

Sixth Appellate District

San Jose, California

MONDAY, JANUARY 6, 2003

H023741 SALSAMAN v. WINSTEAD

By the Court*:

Appellant's petition for rehearing is denied.

Filed: January 6, 2003

*Before Premo, Acting P.J. and Rushing, J.

TUESDAY, JANUARY 7, 2003

H022229 PEOPLE v. JOSEPH

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated November 5, 2002, is hereby vacated. The court by separate letter issued January 6, 2003, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: January 7, 2003 Premo, Acting P.J.

H024581 In re JARRED H., et al.; DFCS v. STEPHANIE G.

The juvenile court's order denying Stephanie's petition pursuant to Welfare and Institutions Code 388 is affirmed. (not published)

(Premo, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed January 7, 2003

H023810 In re NATHANIEL R.; DFCS v. SUSAN R.

The order denying defendant's section 388 petition is affirmed. (not published)

(Rushing, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed January 7, 2003

H022717 PEOPLE v. BRUNSON

The judgment is affirmed. (not published)

(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed January 7, 2003

Sixth Appellate District

San Jose, California

Tuesday, January 7, 2003 (continued)

H023875 PEOPLE v. GEZZI

H025107 IN RE RONALD ALLAN GEZZI ON HABEAS CORPUS

The judgment is affirmed.

A prima facie case for extraordinary relief having been established by defendant's writ petition, the Department of Corrections is ordered to show cause why defendant's petition for a writ of habeas corpus should not be granted. The Department of Corrections is further ordered to submit its return to the trial court, which shall then conduct an evidentiary hearing to determine the truth of the allegations in the writ petition, and which is granted jurisdiction to grant or deny relief. (not published)

(Premo, Acting P.J.; We concur: Wunderlich, J., Rushing, J.)

Filed January 7, 2003

H023969 PEOPLE v. LEGION INSURANCE COMPANY

The order denying the motion to vacate the forfeiture is affirmed. Legion is to pay costs on appeal. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed January 7, 2003

H023724 LEON v. STATE PERSONNEL BOARD OF THE STATE OF CALIFORNIA; HAMLET

The judgment is affirmed. (not published)

(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed January 7, 2003

H024159 PEOPLE v. THOMAS

The judgment is affirmed. (not published)

(Rushing, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed January 7, 2003

H022721 PEOPLE v. WILLIAMSON

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Rushing, J.)

Filed January 7, 2003

Sixth Appellate District

San Jose, California

Tuesday, January 7, 2003 (continued)

H022600 PEOPLE v. PATHAN

By the Court*:

Appellant's petition for rehearing is denied.

Filed: January 7, 2003

*Before Bamattre-Manoukian, Acting P.J., Elia, J. and Mihara, J.

WEDNESDAY, JANUARY 8, 2003

(No minute approved orders)

THURSDAY, JANUARY 9, 2003

H024385 PEOPLE v. MARCUS P.

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Rushing, J.)

Filed January 9, 2003

H023216 PEOPLE v. VYE

The sentence is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed January 9, 2003

H023286 ACS INNOVATIONS, INC. v. MAX GROUP CORPORATION

By the Court*:

Appellant's petition for rehearing is denied.

Filed: January 9, 2003

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Rushing, J.

H022573 PEOPLE v. ALEGRE

By the Court*:

Appellant's petition for rehearing is denied.

Filed: January 9, 2003

*Before Bamattre-Manoukian, Acting P.J., Elia, J. and Mihara, J.

H023794 PEOPLE v. JENNIFER D.

The order of the juvenile court is affirmed. (not published)

(Rushing, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed January 9, 2003

Sixth Appellate District

San Jose, California

Thursday, January 9, 2003 (continued)

H023958 PEOPLE v. WILLIAMS

The judgment is affirmed. (not published)
(Rushing, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed January 9, 2003

H023277 PEOPLE v. JOSHUA O.

The dispositional order is affirmed. (not published)
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed January 9, 2003

IN THE MATTER OF ASSIGNMENT OF THE HONORABLE EUGENE M. PREMO, TO
SERVE AS ACTING ADMINISTRATIVE PRESIDING JUSTICE

By the Court

It is ordered that the assignment of the Honorable Eugene M. Premo, Associate Justice of the Court of Appeal, Sixth Appellate District, to serve as Acting Administrative Presiding Justice of this court effective January 10, 2003, until the confirmation of a new Administrative Presiding Justice by the Commission on Judicial Appointments, be spread upon the minutes in full.
Dated January 9, 2003 BAMATTRE-MANOUKIAN, ACTING P.J.

H024082 PEOPLE v. MARCOS H., a Minor

The judgment is affirmed. (not published)
(Rushing, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed January 9, 2003

H024542 PEOPLE v. CALVILLO

The judgment is modified to reduce the restitution fine to \$800. The judgment is affirmed as modified. (not published)
(Rushing, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed January 9, 2003

H024288 PEOPLE v. CAMACHO

The judgment is affirmed. (not published)
(Premo, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed January 9, 2003

Sixth Appellate District

San Jose, California

Thursday, January 9, 2003 (continued)

H023746 PEOPLE v. WYMAN

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Wunderlich, J., Rushing, J.)
Filed January 9, 2003

H024020 PEOPLE v. HOLQUIN

The judgment is reversed. The matter is remanded for proceedings consistent with this opinion. (not published)
(Premo, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed January 9, 2003

FRIDAY, JANUARY 10, 2003

H023414 PEOPLE v. HARRIS

Count 5 is reversed. In all other respects the judgment is affirmed. The clerk of the superior court is instructed to forward an amended abstract of judgment to the Department of Corrections. (not published)
(Premo, Acting P.J.; We concur: Wunderlich, J., Rushing, J.)
Filed January 10, 2003

H023638 PEOPLE v. TOWNER

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Premo, J., Mihara, J.)
Filed January 10, 2003

H024916 CARLIN v. SUPERIOR COURT (PEOPLE)

Let a peremptory writ of mandate issue directing respondent court to reconsider its order denying the motion for appointment of experts in light of this opinion. In all other respects, the petition for writ of mandate is denied. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3).) The temporary stay order issued September 10, 2002, is vacated. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)
Filed January 10, 2003

Sixth Appellate District

San Jose, California

Friday, January 10, 2003 (continued)

H022565 PEOPLE v. PACINI

The order of recommitment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)

Filed January 10, 2003

H023389 PEOPLE v. HARRIS

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Rushing, J.)

Filed January 10, 2003

H024400 PEOPLE v. RODRIGUEZ

The judgment is reversed and the matter is remanded for further plea proceedings as to the prior conviction allegations (Pen. Code, §§ 667, subds. (b)-(i), 1170.12) and the prior prison term allegations (Pen. Code, § 667.5, subd. (b)). (See *People v. Bryant, supra*, 10 Cal.App.4th at p. 1598.) Defendant shall be resentenced following the plea proceedings on remand. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed January 10, 2003